

In re) Fair Hearing No. 21,267
)
Appeal of)

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, reducing the amount of his Food Stamps. The issue is whether the petitioner has made a timely appeal of the Food Stamp reduction.

1. The petitioner receives Food Stamps as an one person household.
2. On August 3, 2007, the Department sent petitioner a notice that his Food Stamps would be reduced from \$101 per month to \$10 per month starting September 1, 2007 due to an increase in his unearned income of \$311 to \$801 per month.
3. The petitioner did not appeal the Department's decision until December 21, 2007 which is more than ninety days from the date of decision.

ORDER

The petitioner's request for fair hearing is dismissed as untimely.

REASONS

Pursuant to Fair Hearing Rule No. 1, fair hearings may be requested by recipients or applicants for assistance, benefits, or social services provided by Departments within the Agency of Human Services or by their designees.

Fair Hearing Rule No. 1 limits fair hearings to timely requests as follows:

Appeals from decisions by the Department of Social Welfare and the Office of Child Support shall not be considered by the board unless the appellant has either mailed a request for fair hearing or clearly indicated that he or she wishes to present his or her case to a higher authority within 90 days from the date when his or her grievance arose. In food stamp cases, a household may also request a fair hearing at any time within a certification period to dispute its current level of benefits. All other appeals must be made within 30 days from the date the grievance arose, unless otherwise provided by statute. (emphasis added)

Petitioner's appeal arose more than 90 days ago. As a result, the petitioner's appeal should be dismissed as untimely.

#